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09/932,004	08/17/2001	Michael Neece	144.002	4173

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New York, NY 10005

EXAMINER

WASSUM, LUKE S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,004

Applicant(s)

NEECE ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Applicants' amendment, filed 22 June 2005, has been received, entered into the record, and considered.

2. As a result of the amendment, claims 1, 4, 7, 10 and 11 have been amended, and claim 12 has been canceled. Claims 1 and 3-11 remain pending in the application.

The Invention

3. The claimed invention is a system for facilitating the hiring process, including searchable databases for job openings and positions.

Claim Objections

4. In view of the amendment to claim 10, the examiner withdraws the pending objection to this claim.

Claim Rejections - 35 USC § 112

5. In view of the amendments to the claims, the examiner withdraws all pending claim rejections under 35 U.S.C. § 112.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1 and 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stimac** (U.S. Patent Application Publication 2003/0071852) in view of **Taylor** (U.S. Patent 5,832,497).

10. Regarding claim 1, **Stimac** teaches a computer readable medium of instructions configured as a multiple database information exchange and hiring system used in network operations substantially as claimed, said system comprising:

- a) a first database of information pertaining to a job opening or demand-side needs of a company, stored in electronically readable memory (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) a second database of information on positions, interview teams, questions to evaluate candidates by skills, experience or personal profiles related to the job opening (see disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A; see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A);
- c) a server and communication port suitable for transmitting and receiving data from the first database, instructions from the second database or coordinating the communication between interviewers in the form of electrical signals to and from remote computers (see disclosure that the system allows information to be electronically shared and portions of the recruitment process to be handled by different recruiters throughout the world, paragraphs [0009] through [0011]);

- d) a database management system for creating and revising records of said first database and said second database connected to said electrically readable memory responsive to the remote computers (see paragraphs [0128] through [0130]);
- e) an interactive database query engine connected to said memory, said query engine configured to permit a plurality of searches and appended searches by a plurality of users, including position owner, position contributor or an interviewer to produce current results that are coordinated and communicated between all users (see paragraphs [0126] and [0127], and also Figure 29; see also disclosure that various information can be shared globally, paragraphs [0009] through [0011]); and
- f) a process controller connected to said interactive database query engine, said process controller facilitating an intelligent, collaborative and coordinated solution to demand-side job recruiting, wherein said interactive database query engine is a company database containing human resource and hiring records (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]).

Stimac does not explicitly teach a computer readable medium further comprising an accounting system that facilitates accounts management connected to said process controller.

Taylor, however, teaches an accounting system that facilitates accounts management connected to said process controller (see col. 2, line 13; see also col. 6, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system that facilitates accounts management, since this would allow the operator of the system to charge a fee for its use (see col. 6, lines 47-57).

11. Regarding claim 10, **Stimac** teaches a computer software system provided to execute hiring practices intelligently substantially as claimed, said system comprising:

- a) a first database of information pertaining to job openings and demand-side needs of a company (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) a second database of positions information, interview teams and questions to evaluate candidates by skills, experience and personal profiles (see disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A; see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A);
- c) a third database of company records compiled by the human resources department, said third database containing user data records, administration data records, option data records, search data records or tutorial data records (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]);

- d) a database management system connected to the software linking it to multiple databases and multiple remote controllers (the claimed database management system being inherent in a system having the wide range and types of data of that taught in the reference; see disclosure that the system can be used to share data worldwide, thus requiring multiple remote controllers, paragraphs [0009] through [0011]);
- e) an interactive database query engine connected to said database management system configured to permit a plurality of searches and appended searches by a plurality of users, including position owner, position contributor or an interviewer to produce current results that are coordinated and communicated between all users (see paragraphs [0126] and [0127], and also Figure 29; see also disclosure that various information can be shared globally, paragraphs [0009] through [0011]); and
- f) a process controller connected to said database management system to facilitate collaborative and coordinated solution to demand-side process of recruiting (see disclosure of a method and system for managing the recruitment process and including a database of human resource information, paragraphs [0103] through [0108]).

Stimac does not explicitly teach a computer readable medium further comprising an accounting system that facilitates accounts management connected to said process controller.

Taylor, however, teaches an accounting system that facilitates accounts management connected to said process controller (see col. 2, line 13; see also col. 6, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system that facilitates accounts management, since this would allow the operator of the system to charge a fee for its use (see col. 6, lines 47-57).

12. Regarding claim 11, **Stimac** teaches a method of hiring personnel intelligently substantially as claimed, said method comprising the steps of:

- a) creating a computer readable file including information pertaining to job openings and needs of a company (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A);
- b) uploading a portion of the computer readable file to a medium accessible via a computer network with information on interview teams, questions to evaluate candidates by skill, experience and personal profiles and instructions for interviewers (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011], and that the preferred mechanism for data sharing is the Internet, paragraph [0100]; see also disclosure of positions information at paragraphs [0127] and [0128] and in Figure 30A; see also disclosure of information on interview teams, paragraphs [0157] and [0158] and also Figures 62, 63 and 64; see also disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A; see disclosure of instructions for interviewers, paragraph [0159] and Figure 67);
- c) searching information in the uploaded portion of the computer readable file for the presence of information corresponding to information requested by a user (see

disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);

- d) accessing the information requested from relevant database in the network (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]);
- e) assigning tasks, coordinating interview processes and managing interview evaluations from teams (see disclosure of the assigning tasks and coordinating the interview process, paragraphs [0157] through [0159] and Figures 62, 63 and 64; see also managing interview evaluations, paragraph [0160] and Figures 68 and 69); and
- f) permitting the user to send said information via the computer network to another computer readable file located in the same hiring environment, to exchange said information with another user and to facilitate creating a coordinated summary of recommendations for hiring (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

Stimac does not explicitly teach a computer readable medium further comprising an accounting system that facilitates accounts management connected to said process controller.

Taylor, however, teaches an accounting system that facilitates accounts management connected to said process controller (see col. 2, line 13; see also col. 6, lines 47-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include an accounting system that facilitates accounts management, since this would allow the operator of the system to charge a fee for its use (see col. 6, lines 47-57).

13. Regarding claim 3, **Stimac** additionally teaches a computer readable medium further comprising a security means connected to said process controller (see userid/password access control, paragraph [0101]).

14. Regarding claim 4, **Stimac** additionally teaches a computer readable medium wherein the human resources records contain a plurality of search fields, each of said fields consisting of a search criteria, data on coordination of interviews, data on preparation of questions, data on feedback from interviewers or data on candidate evaluations (see paragraphs [[0109] through [0111], [0128] through [0135]; see also Figures 62, 63, 64, 68 and 69).

15. Regarding claim 5, **Stimac** additionally teaches a computer readable medium further comprising a database of instructions pertaining to training of users (see disclosure of interview tips which provides a helpful guide to interviewing, paragraph [0159] and Figure 67).

16. Regarding claim 6, **Stimac** additionally teaches a computer readable medium wherein said interactive database query engine includes means for searching key fields of a database for the satisfaction of one or more conditions, and means for reporting and exchanging all variables in said search key fields of records which satisfy said one or more conditions (see disclosure of different search/retrieval functionality available, paragraphs [0126] and [0138]; see also disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]).

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17. Regarding claim 7, **Stimac** additionally teaches a computer readable medium wherein said means for searching key fields of a database include at least one of a customer administration key, an interview key, a report key, an options key, a search key or a tutorial key (see administration screen in paragraph [0102], and interview in paragraphs [0113] and [0131] through [0134]).

18. Regarding claim 8, **Stimac** additionally teaches a computer readable medium further comprising means for organizing the hiring process by coordinating the exchange of information at every step of the hiring process between different levels of users assigned for the hiring process (see disclosure that the system can be used to share data worldwide, paragraphs [0009] through [0011]), wherein the hiring process includes the steps of defining a position (see disclosure of the additional information, such as position contact information and location, that constitutes the claimed job opening, paragraphs [0128] through [0130]; see also Figure 30A), coordinating the interview teams (see disclosure of the assigning tasks and coordinating the interview process, paragraphs [0157] through [0159] and Figures 62, 63 and 64), organizing the interview questions (see disclosure of information on questions to evaluate candidates, paragraph [0159] and Figures 65, 66 and 66A; see also paragraph [0161] and Figure 71), evaluating the candidates (see managing interview evaluations, paragraph [0160] and Figures 68 and 69), and reviewing the candidate evaluations (see managing interview evaluations, paragraph [0160] and Figures 68 and 69).

19. Regarding claim 9, **Stimac** additionally teaches a computer readable medium further comprising means to restrict entries in at least one of said means of searching key fields of a database to a predetermined set of entries (see disclosure of the use of drop-down menus, effectively

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restricting entries in the search key fields, paragraphs [0103], [0109], [0117], [0128], [0129] and [0161]).

Response to Arguments

20. Applicant's arguments filed 22 June 2005 have been fully considered but they are not persuasive.

21. Regarding the Applicants' argument that the examiner is not free to interpret the "accounting system" limitation broadly, the examiner respectfully disagrees.

The Applicants have pointed out the disclosure in the specification of an accounting system. However, these disclosures merely disclose functionality regarding the management of accounts, such as account creation and editing. The examiner points out that any accounting system (as that term is commonly accepted) would inherently have functionality such as account creation and editing. For this reason, (and also because such functionality does not appear in the claims), the accounting system as disclosed in the **Taylor** reference would serve to anticipate that accounting system as claimed by the Applicants.

22. Regarding the Applicants' argument that the newly added limitation that the accounting system facilitates accounts management distinguishes over the accounting system taught by the **Taylor** reference, the examiner points out that *any* accounting system, by definition, would facilitate accounts management; accounts management is the purpose of an accounting system.

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23. Regarding the Applicants' argument that there is no motivation to combine the **Taylor** reference with the **Stimac** reference, the examiner respectfully disagrees.

First of all, the examiner has supplied motivation to incorporate the feature of an accounting system that comes straight from the prior art reference. At col. 6, lines 47-57, **Taylor** teaches that an accounting system can be used to impose charges on the users of the system. Particularly in light of the fact that the **Stimac** reference teaches the use of their system by job recruiting/placement firms (e.g., paragraphs [0005], [0006], [0137], et seq.), an ordinary artisan would have found it obvious to incorporate an accounting system in order to impose charges on users of the system.

Given this fact, the examiner then points out that the motivation as stated in the rejection of record has been found in the prior art, and not in the nature of the problem to be solved (as argued by the Applicants).

However, the Applicants have taken the fact that combinations can be properly motivated by the nature of the problem to be solved, and then argued that the nature of the problem to be solved by their own invention is different than that of the **Taylor** reference. This fact is irrelevant. Proper motivation to combine references (under the 'nature of the problem to be solved' doctrine) requires that the nature of the problem to be solved of the two references being combined be the same as each other, not the same as the invention.

Regardless of the Applicants' arguments, the nature of the problem to be solved by both the **Stimac** and **Taylor** references (and also by the Applicants' invention) is the efficient recruitment and procurement of qualified job applicants, and as such, under the 'nature of the problem to be solved' doctrine, an ordinary artisan would in fact have been motivated to borrow features of one of the references and incorporate them into the other, further supporting the incorporation of the accounting system of **Taylor** with the system of **Stimac**.

24. The examiner maintains the rejections of record.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum
Primary Examiner
Art Unit 2167